

**IMADR Report
on the CERD 77th Session (2-27 August 2010)**

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The Committee on the Elimination of all forms of Racial Discrimination (CERD) commenced from 2 August through 27 August 2010. On the second day (3 August) the CERD held its first formal meeting with NGOs to discuss how to strengthen the role of civil society. Reports of the following State Parties were considered by the Committee at this session: Australia, Bosnia-Herzegovina, Denmark, El Salvador, Estonia, France, Iran, Morocco, Republic of Slovenia, Romania, and Uzbekistan. This report summarizes the 77th session of CERD in accordance with the state considered (in alphabetical order) focusing on the central themes discussed. References to Committee's concluding observations are also made when possible (where observations were available in English at the time of writing). Relevant terms are also highlighted in bold letters.

Australia

CERD considered the combined fifteenth through seventeenth periodic reports of Australia on 10 and 11 August 2010. Peter Woolcott, the Permanent Representative of Australia to the United Nations Office at Geneva, led the state delegation and was supported by representatives from various state departments as well as other members of the Permanent Mission of Australia to UNOG. Mr. Woolcott's oral report on the implementation of the Convention in Australia focused to a large extent on the situation of **indigenous peoples**. He highlighted the States National Apology to Australia's Indigenous peoples, and explained the Governments "closing the gap" strategy for the improvement of the situation of indigenous people in various fields. The Country Rapporteur for Australia asked very specific questions on various topics, based on the periodic report and information provided by NGOs.

Central Themes

One of the main issues discussed by the Committee was the situation of **Aboriginal and Torres Strait Islander peoples**. The Country Rapporteur welcomed the National Apology to the stolen generation as well as the establishment of the National Congress of Australia's First Peoples, but wondered whether indigenous people were really included in the Congress's work. He criticized the negative consequences of the Northern Territory Emergency Response for Aborigines and Torres Strait Islanders. The Country Rapporteur and another member referred to the report of the Special Rapporteur for Indigenous Peoples that disclosed a lack of consultation with indigenous people. Several committee members stressed problems regarding the return of land titles, of particular concern was that the burden of presenting proof rests on the indigenous people. Two members expressed the view that the procedures for obtaining reparations were too complicated and asked whether they could be more easily arranged. A member highlighted the importance of preserving **indigenous languages** for the people's dignity and inquired whether indigenous languages were taught in Australian schools. Together with another member, education was found to be a suitable start for integration and they wanted to know the extent to which human rights would serve as a topic in the new national curriculum that is being prepared. The same member also asked whether indigenous people were participating in the drafting process of the new curriculum.

The initial questions of Committee members were followed by an intervention of **the Australian Human Rights Commission** whose representative declared that the Northern Territory Emergency Response (NTER) lacked prior consent by Aborigines. He welcomed Australia's Native Title Act but described its claims process as complex, highly adversarial, costly and inefficient. He was also concerned about the preservation of indigenous languages and stated that without intervention their usage would cease in 10 to 30 years.

Regarding the **Northern Territory Emergency Response**, the delegation stressed the positive consequences such as the increase of police presence in areas affected by violence, the improvements in infrastructure, and access to health care and nutrition provided for in schools. Changes had been made to the **basic card**, with which Indigenous people are able to buy certain basic products in specific stores, so that its operating system is more flexible to their needs. The National Congress of Australia's First Peoples would be comprised only of people of indigenous origin and it would advocate for indigenous people's rights. The delegation explained that Australia had not yet ratified ILO convention 169 due to the complex ratification process, and it had to first ensure that all domestic laws were in accordance with the convention before it could ratify.

The Committee inquired about the situation of **refugees and asylum seekers** asking if they were treated differently when arriving by boat as opposed to by plane. CERD also asked whether Christmas Island, where Asylum seekers are detained while their claims are being processed, was part of Australian territory and requested information about the situation of children on Christmas Island. The state delegation answered that Christmas Island was categorized as an excise offshore place belonging to Australian territory where Australian law was applicable. Non-citizens entering Australia without a valid visa were not allowed to apply for a visa unless the Minister of Immigration and Citizenship permitted them to do so. It noted that immigration detention was for short terms only and that children were not placed in Immigration Detention Centres, but other accommodation facilities within the immigration detention framework was arranged.

Other topics addressed were: the implementation of the Convention; several Committee members criticized Australia's reluctance to withdraw its reservation to Article 4 of ICERD and to ratify ILO convention 169. Concerns were raised regarding the situation of and discrimination against international students, the conduct of Australian companies overseas, the stigmatization of groups of the population due to anti-terrorism measures and the state's definition of multiculturalism.

Concluding Observations

In its concluding observations on Australia, the committee recommended, *“that the State party provide the National Congress of Australia's First Peoples with the adequate resources to become fully operational by January 2011 and support its development.”*¹ Furthermore, the Committee expressed *“its concern that the package of legislation under the Northern Territory Emergency Response (NTER) continues to discriminate on the basis of race as well as the use of so called “special measures” by the State party.”*² In this regard, it encouraged *“the State party to strengthen its efforts to implement the NTER Review Board recommendations, namely that it continue to address the unacceptably high level of disadvantage and social dislocation being experienced by Aboriginal Australians living in remote communities throughout the Northern Territory; that it reset the relationship with Aboriginal people based on genuine consultation, engagement and partnership; and that Government actions affecting the Aboriginal communities respect Australia's human rights obligations and conform with the Racial Discrimination Act.”*³

The committee regretted *“the persisting high standards of proof required for recognition of the relationship between Indigenous peoples and their traditional lands, and the fact that in spite of large investment of time and resources by Indigenous peoples, many are unable to obtain recognition of their relationship to land (art. 5.)”*⁴ Furthermore, the state party was recommended to enhance adequate mechanisms for effective consultation with Indigenous peoples around all policies affecting their lives and resources.⁵ The Committee encouraged *“the State party to allocate adequate resources for the new national approach to preserve Indigenous languages.”*⁶ Also on indigenous languages, it recommended *“that the State party, in consultation with Indigenous communities, hold a national inquiry into the issue of bilingual education for Indigenous peoples.”*⁷

¹ UN doc CERD/C/AUS/CO/15-1 para. 15.

² Ibid., para. 16.

³ UN doc CERD/C/AUS/CO/15-1 para.15

⁴ CERD/C/AUS/CO/15-1 para. 18.

⁵ Ibid.

⁶ Ibid., para. 21.

⁷ Ibid.

Bosnia and Herzegovina

CERD reviewed the combined seventh and eighth periodic reports of Bosnia and Herzegovina on 18 and 19 August 2010. Mrs. Saliha Djuderija, Assistant Minister of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, headed the delegation and updated the Committee on measures that had been taken to eradicate discrimination in the country. The Committee inquired why there were no representatives from the Republic of Srpska, which, according to the delegation, was attributed to budget constraints.

Central Themes

The Committee addressed the ‘post conflict era’ that Bosnia and Herzegovina has remained in since the war and wanted to know how the country planned to move forward, particularly with regards to its **political system**. A CERD member expressed his concern regarding the country's tri-president system, with each member representing the sole interest of its respective group, and the constitution that has **discriminatory measures** enshrined in its articles. Another member also stated that the tri-party system in Bosnia and Herzegovina may have been necessary at one point, but had become outdated. The same member further informed the delegation that legal distinctions that favor certain ethnic groups are not compatible with ICERD and hoped that the constitution would be amended to bring it more inline with the Convention.

The delegation responded that an action plan had been adopted to establish a political consensus in order to begin the process of constitutional reform. However, the required consensus to allow parliament to adopt a plan on constitutional changes had not been met due to time constraints.

The issue of greatest concern throughout the dialogue, particularly with the backdrop of a post conflict setting, was the situation of the **Roma**, with many CERD members asking and commenting on this issue. One member called the Roma the ‘silent victims’ of the war and pointed out that they often hid their identity to avoid discrimination, and as a result of this he was skeptical that a Census planned for 2011 to determine the number of Roma living in the country would be effective. The issue of **Roma women**, who had been severely affected by the war, was also raised. Other areas of concern expressed were the guarantee of **registration of births, access to education**, and the **right to return** for Roma people.

Bosnia and Herzegovina responded to the situation of the Roma by acknowledging that it was a European issue, but they reassured the Committee that some progress had been made to improve the situation. The delegation did note that due to the economic crisis there were fewer resources to allocate to the Roma and said they needed help from International Organizations and NGOs.

Another vulnerable group addressed by the Committee was **women** in Bosnia and Herzegovina. The Country Rapporteur attributed his concern for women in the country to the widespread use of **rape** as a weapon during the war, which had resulted in rape being recognized for the first time as a war crime, however not by the country. Another member raised the issue of trauma suffered in the country and did not feel it was being properly addressed. His concern did not just address women who had been victims of sexual violence, but also women who had lost their husbands and children. Another member raised the issue of the double discrimination that women face as a result of their gender and being victims of sexual violence. Noting that there were safe houses for victims of sexual violence, the same member pointed out that they were closing and wanted to know the reasons behind this and what was being done.

The delegation informed the Committee that victims of rape no longer lived in safe houses, but were living in homes or were in reintegration programmes. The delegation continued by explaining that safe houses were for victims of domestic violence and confirmed that they were closing. The delegation explained that donors had funded them and as a consequence of the economic crisis funding was no longer available, but that the government was considering adding funding for safe houses to its budget. In terms of trauma, it was now acknowledged that it had had grave consequences throughout society, particularly for women who were victims of sexual violence. However, the Government had never officially recognized rape as a weapon of war, so victims were not provided with access to treatment and rehabilitation, but it was now at the top of the Governments priority list.

Other issues raised in the dialogue included the prevalence of hate speech amongst political leaders, internally and externally displaced people, the office of the ombudsman, and the status of children in mixed marriages.

Concluding Observations

In its concluding observations the Committee recommended that Bosnia and Herzegovina “*proceed with amending the relevant provisions of the State, and Entities Constitutions and the Election Laws.*”⁸ In terms of the Roma people CERD had an extensive recommendation that the State “*continue to endeavor to combat prejudices against Roma, and to ensure that all Roma have access to personal documents that are necessary for them to enjoy their civil and political rights, as well as their economic social and cultural rights. The Committee recommends also that the State party fully implements its various Roma strategies and action plans in line with the declaration and program of work of the Decade of Roma Inclusion 2005-2015, with action mainly devoted to ensure adequate housing, health care, employment, social security and education for Roma people.*”⁹ Surprisingly there were no recommendations regarding women or dealing with trauma, but there was an overarching theme of promoting tolerance, in terms of which the Committee reiterated “*its recommendation to the State party to continue fostering inter-cultural dialogue, tolerance and understanding, paying due attention to the culture and history of different ethnic groups within Bosnia and Herzegovina.*”¹⁰

⁸ UN doc CERD/BIH/CO/7-8. para. 7.

⁹ CERD/BIH/CO/7-8, para. 12.

¹⁰ CERD/BIH/CO/7-8 para. 13.

Denmark

The Committee considered the eighteenth and nineteenth combined periodic report of Denmark on 17 and 18 August 2010. Mr. Allan Jacobsen, Head of the Human Rights Unit of the Ministry of Foreign Affairs, led the delegation of representatives from various ministries, including the Permanent Mission of Denmark to UNOG, and the Greenland Home Rule Government. Mr. Jacobsen underlined the state's commitment to ensure effective human rights protection and referred to various measures to combat discrimination on the grounds of racial or ethnic origin, in particular focusing on hate speech and hate crimes. In his preliminary statement, the country Rapporteur stressed that there were areas where more work needed to be done to guarantee the rights under the convention, such as hate speech by politicians, the integration of Roma and non-citizens into society, and the situation of indigenous people in Greenland.

Central themes

The Committee was greatly concerned by the increase of **racially motivated offences, hate crimes and hate speech** by politicians in Denmark. They noted the huge impact of such statements on the public and reminded the delegation that the enjoyment of the freedom of speech entailed certain responsibilities. A member stated that "democratically elected racists remained racists after all," and saw a danger in establishing a hierarchy of human rights in that the full exercise of freedom of expression might frustrate a state of equality. While a CERD member wondered about the high number of individual complaints to CERD relating to that specific issue, others suggested that this might be because ICERD was not incorporated properly in Danish law. Ms. Auken, from the Danish Ministry of Justice, disagreed with the Committee members claim, and stated that ICERD was well implemented in domestic law. Further she believed that the high number of individual complaints was evidence that people in Denmark knew their rights under ICERD and were encouraged to make use of them by the State party. She also clarified that Denmark did not seek to hide behind freedom of expression as an excuse for not investigating complaints of hate speech.

Several Committee members criticized the application of **section 266 b) of the Danish criminal code**, in particular the wide powers the Director of Public Prosecution (DPP) enjoyed in admitting or rejecting complaints. Ms. Auken informed the Committee that the DPP decided on complaints according to an objective necessity assessment and that guidelines were currently being prepared for publication.

The situation of the **Roma** in Denmark was also on the Committee's agenda. The Committee criticized the failure of Denmark to recognize the Roma as a national minority. They regretted the absence of clear statistical data on the Roma, and one member wondered how the state was initiating measures when the statistical data was not available. Some Committee members were troubled by the differentiation between Roma having arrived in Denmark before 1990, and those arriving after, and wanted to know why the delegation considered the former group to be better integrated into society. A member asked whether the state had promoted assimilation rather than integration with respect to the first group. The delegation explained that no registration of ethnicity was undertaken in the Danish system but that role model initiatives had been launched in cities where a lot of Roma lived.

The discussion on **indigenous people** was focused on the situation in Greenland. The Danish Supreme Court Decision denying the Thule Tribe the status of a separate indigenous people in accordance with ILO Convention 169 was subject to criticism by Committee members. The

Committee expressed its astonishment regarding this decision, considering that Denmark's approach concerning indigenous tribes was a lot more favorable than in any other part of the world. It further inquired how Denmark promoted the development of a national identity in Greenland and wanted to know the percentage of Inuit in the government of Greenland. Ms. Thomsen from the Greenland Home Rule Government informed the committee that this percentage was currently 100 %. She elaborated on the promotion of Inuit languages and stressed the fact that Greenland had the right to secede upon decisions of a national referendum although no such initiative had been launched.

A number of questions were raised on the situation of **women from minority groups**. The Committee commended the State on having a women employment rate of 83%, but wanted to know if they worked in all fields of employment. It further asked how the Government ensured that victims of domestic violence were particularly protected, especially regarding the issuance of residence permits. Jonas Christoffersen of the Danish Institute for Human Rights stated that there were still many women forced to stay in abusive relationships in order to remain in Denmark. He clarified that although the number of cases where women were awarded protection by the state had risen, this could signify an increase in the need for protection. Therefore, it was necessary to know the number of cases in which the State rejected offering protection.

A Committee member expressed concerns regarding to the **rights of non-citizens and asylum-seekers**, he questioned the New Points Plan that was introduced under the Aliens Act. According to this plan applicants had to obtain 100 points to be granted a permanent residence permit, he inquired whether it was favorable for rich people over poor and contested the comprehensibility of various requirements. The delegation justified the Plan by stating that well-educated persons were not favored by it, but that points could be gained by way of various activities, like working in Denmark for a specific period of time. The points system was also declared to be applicable to refugees applying for a permanent residence permit, but in cases where a visa was not granted, refugees were not forced to leave the country.

Concluding Observations

In its concluding observations the committee recommended that Denmark “*limit the powers of the Director of Public Prosecutions by establishing an independent and multicultural oversight body to assess and oversee*”¹¹ his decisions. It further requested the state to establish the “*numerical and legal status of the Roma people*” and “*to afford them full protection from discrimination, racial profiling, hate crimes, and facilitate their access to public facilities.*”¹² Regarding the new 100 points plan, the State was urged to ensure that it did “*not exclude people solely on the basis of poverty, dependence on State resources, level of education, failure to penetrate the labour market and passing the Danish language test.*”¹³ CERD further expressed its disappointment by the Supreme Court decision finding that the Thule Tribe was not a distinct indigenous people notwithstanding their own perception as such.¹⁴

¹¹ CERD/C/DNK/CO/18-19, para. 9.

¹² Ibid., para. 10.

¹³ Ibid., para. 12.

¹⁴ Ibid., para. 17.

El Salvador

The CERD considered the combined fourteenth and fifteenth periodic reports of El Salvador on 3 and 4 August. Mr. Alfonso Avelar, Director of the Department of Indigenous Peoples of the Social Inclusion Secretariat of El Salvador, led the Salvadoran delegation. He was supported by representatives from the Ministry of Education, the Ministry of Foreign Affairs, the office of the Secretary for Social Inclusion, and the Permanent Mission of El Salvador to UNOG. Mr. Avelar declared that the presence of this delegation marked a turning point in the Salvadoran cooperation with the Committee. He admitted that the implementation of ICERD had not always been properly approached by past administrations, but stressed that this policy had ceased under the current President. Mr. Avelar told the Committee that he was of Indigenous origin, and condemned what had been done to Indigenous people throughout the last century. He stressed that the Government was seeking ways to remedy the violations of indigenous peoples rights. The Country Rapporteur for the Salvadoran review welcomed the unexpected change in the State's attitude towards the Committee's work and declared that they were committed to assisting El Salvador with its new policies.

Central Themes

The situation of **indigenous people** in El Salvador was the most pressing issue during the review. The Country Rapporteur was pleased by what he deemed to be the first steps in the right direction regarding indigenous people, which included the establishment of the first National Indigenous Congress and indigenous administrations, and measures taken to protect the Nahuat language. However, the Rapporteur urged the State to provide reliable information concerning its **demographic composition** with regard to its indigenous population. In this respect, the Rapporteur highlighted the discrepancy in the estimates of indigenous people living in El Salvador, which were said to vary from 0,23 % up to 10 %, a point that was also stressed by several other Committee members.

Another topic members were particularly concerned about was the **lack of landholding rights** of indigenous people. The Committee inquired about the status of several indigenous communities' landholding cases currently under consideration by Salvadorian courts. It also asked about the reasons behind the land redistribution law only being applicable to certain areas. Several committee members inquired about the broader **legal framework** for the protection of indigenous people and in particular the state's political will to ratify **ILO convention 169** on Indigenous People. One member inquired whether there was any initiative to include the rights of Indigenous people into the Constitution, while another member wanted to know whether indigenous people reclaiming their former names had to pay administrative fees. The Committee further referred to the **living conditions** of indigenous people and asked whether Indigenous People were living in rural or urban areas and if they were still following traditional means of production. They also wanted to be provided with information on Indigenous children's **access to education**.

In response to the questions on indigenous population, the delegation provided the Committee with the historical background of the landholding structure in El Salvador, but failed to provide "up-to-date" information. The delegation was most agreeable on the issue of demographic composition and Mr. Avelar said he agreed that new data was needed and reported that a new census was planned for 2012 with financial support from the UN Population Fund. Mr. Rodriguez of the Salvadoran Foreign Ministry declared that El Salvador was determined to ratify ILO Convention and that the necessary consultations and measures were being taken.

Further questions raised by Committee members concerned the existence and rights of **people of African descent** in El Salvador. Members were particularly interested in whether this group also held landholding rights, how access to health and the education system was provided, and whether there had been any mixing of these people with the indigenous population in El Salvador. The delegation clarified that El Salvador was receiving refugees of African descent mainly from Honduras and that there was no discrimination in their accessing education and healthcare.

Several questions were raised relating to the **domestic implementation of the Convention**. Members criticized that the prohibition of hate speech in the Criminal Code only applied to certain workplaces and employees, stressing the preventive character of the prohibition of incitement to racial hatred by organizations under Art. 4(b) ICERD and the importance of incorporating such a provision in the criminal code. The CERD also expressed doubts concerning the delegation's claim of the non-existence of such discrimination. The delegation remarked that it was very difficult to change the legislation as not only the current Legislative Assembly had to adopt the changes, but they had to be accepted by the following Legislative Assembly as well. While there were some initiatives launched by the current government it was a time-consuming process due to the political instability of the region.

Members were also concerned about the situation of **non-citizens and refugees**. The Committee inquired why preference was given to people from Central American countries in obtaining the Salvadoran citizenship and wanted more information about the requirements and procedure in granting refugee status. The delegation replied that there had to exist an imminent fear of persecution and that criminals were not able to obtain refugee status. Until the decision on their status was made, asylum seekers received a temporal status and were entitled with certain rights. The delegation denied that a selective practice concerning applications for citizenship was still existent.

Concluding Observations

In its concluding observations, the Committee congratulated the state for the various positive developments that had been achieved since the last review,¹⁵ but also expressed concern over other areas.¹⁶ The Committee requested “*the State party to include disaggregated statistics on the composition of the population and data on the census to be taken in 2012 in its next periodic report*”¹⁷ and to amend domestic legislation in various fields in order for it to comply with the Convention.¹⁸ Regarding indigenous people, the Committee inter alia recommended “*that the State party step up its efforts to improve the enjoyment by indigenous peoples of economic, social and cultural rights, including access to safe drinking water and guarantee their rights to land and resources traditionally owned and used.*”¹⁹

¹⁵ UN doc. CERD/C/SLV/CO/14-15, paras. 2-11.

¹⁶ Ibid., paras. 12-30.

¹⁷ Ibid., para. 12.

¹⁸ Ibid., paras. 13-18.

¹⁹ Ibid., para. 19.

Estonia

On 19 and 20 August 2010, the CERD considered the combined eighth and ninth periodic reports of Estonia. The State report was presented by Ms. Anne-Ly Reimaa, Undersecretary on International Relations and Cultural Diversity at the Estonian Ministry of Culture. In her oral report she highlighted the achievements made by the Government in addressing the high number of persons with undetermined citizenship and clarified that there was no discrimination against people in this process, however a basic knowledge of the Estonian language was a prerequisite for being granted citizenship. Ms. Reimaa stated that there was no discrimination against different ethnic groups under the Constitution and that campaigns were regularly being put in place to raise awareness for the rights outlined under the Convention among the population.

The Country Rapporteur underlined Estonia's difficult struggle for independence and its consequences on Estonia's legal regime, particularly with regard to citizenship. Many problems referred to by members, concerned the situation of the Russian-speaking minority in Estonia. The response by the delegation revealed that Estonia was still struggling with its ambiguous relationship with the Russian-speaking minority and this caused a certain inactivity of the state in dealing with their problems effectively.

Central Themes

Committee members were highly concerned about the large number of **people with undetermined citizenship** living in Estonia. They regretted that the rate of naturalization had dropped and that this process was humiliating for the individuals concerned. According to the delegation, Estonia had been taking measures to promote the naturalization of people with undetermined citizenship, however the number of people was so large because they did not have any incentives to apply for naturalization, as they were able to work and travel without this status. A member entertained some doubt concerning this allegation.

On **racially motivated crimes and offences**, a CERD member applauded the innovative conciliation procedure established by the state, but clarified that traditional civil and criminal law complaint procedures still had to be available. Other members wanted to know what was being done to combat violence and harassment caused by Neo-Nazis and skinheads, against members of minority groups. The Committee also brought up addressed the issue of **hate speech**, specifically referring to holocaust denial publications circulated throughout Estonia, noting that there was no prohibition of incitement to racial hatred by organizations. The delegation responded by saying that it was difficult to prohibit such publications due to freedom of expression, but assured the committee that there was not a vast circulation of such books and that intensified preventive measures were being taken against skinheads.

The Country Rapporteur began the discussion on **ethnic minorities** by criticizing what he viewed as a very narrow concept of national minorities according to which they had to be Estonian citizens and have long-term ties with the country. Another member inquired whether the state allowed for political parties to be based on ethnicity. Affirming this question, the state delegation reported the existence of a Russian party but also stressed that there were Russian members in all of the ordinary parties.

Further questions focused on the situation of the **Russian-speaking minority**. Members were concerned about the overrepresentation of Russian speaking individuals in the prison population and in unemployment rates. Information was requested about measures to enhance cooperation

with Estonia's largest minority. The delegation confirmed that unemployment was a problem in the northeast of Estonia where there was a large Russian speaking minority, but refrained from informing the Committee on measures adopted to change this situation.

The Committee also addressed the issue of the **Roma** and stressed that it was quite difficult to get a good impression of their situation in Estonia because necessary data was lacking. The Committee asked whether the State was ready to promote Roma integration on the European level, as it held a unilateral solution to the problem impossible to achieve. The delegation found it difficult to answer questions on ethnic composition due to a certain "allergy" of the state to record ethnic data in general. However, the number of Roma people living in Estonia was assumed to be between 500 and 700 people, living mainly in rural areas. The delegation reassured the Committee over the situation, by informing them that in these areas, special schools provided for housing and nutrition specifically for Roma pupils.

The Committee also commented on State measures taken to promote the **Estonian language**. It referred to the Language Inspectorate making unannounced visits to public and private employers to assess the knowledge of Estonian by employees. Being troubled by the fact that the Inspectorate could issue fines and recommend the dismissal of employees, a member wondered whether this approach fostered the affection of the language, and asked why the Inspectorate also undertook visits in the private sector. The delegation declared that it was not the state's intention to limit the use of other languages and that language requirements in the private sector were only valid when there was a special public interest.

Further questions were raised on Muslim immigration, problems with transit migration, and the work of the "Chancellor of Justice," an Estonian human rights institution close to meeting the Paris Principles.

Concluding Observations

Regarding persons with undetermined citizenship, the Committee in its concluding observations called "*on the State party to examine further the reasons behind the reluctance of potential applicants to engage in the naturalization process with a view to improving the situation.*"²⁰ The committee further requested Estonia to reinforce "*its efforts to ensure greater participation by members of minorities in public life, including in Parliament.*"²¹ Regretting "*the paucity of information regarding the situation of Roma ... in the State party,*" CERD encouraged "*the State party to participate in initiatives aiming at finding national and regional solutions to the widespread exclusion of the Roma population.*"²² Furthermore, the Committee considered "*the overemphasis on language in the Integration Strategy and the punitive elements therein as unnecessary in view of the growing number of persons using the Estonian language.*"²³

²⁰ UN doc. CERD/C/EST/CO/8-9, para. 15.

²¹ Ibid., para. 14.

²² Ibid., para. 17.

²³ Ibid., para. 13.

FRANCE

On 11 and 12 August CERD considered the combined seventeenth through nineteenth periodic reports of France. Committee members were skeptical about France's political will to combat racial discrimination, despite being repeatedly assured by the delegation that there was indeed a "true political will" in France to improve the situation and that they were being proactive. Jacques Pellet, the Permanent Representative of France to the United Nations in Geneva, delivered the opening presentation that was substantially reliant on legal and technical facts, but failed to get to the root of the problem. The Country Rapporteur was quick to comment on this, stating that the "issues were more than technical...they affected the hearts and minds of people and their vision for the future." The Rapporteur was careful to point out that France was not alone in facing these challenges, but that people looked to the State to lead and have a vision not just based on technical measures.

Central Themes

The Committee was particularly concerned with the apparent rise of racism and xenophobia. It noted that foreigners were often used as scapegoats in France, perpetuating the recurrent stigma of immigrants as the source of the country's problems. The CERD inquired most intensely about the situation of **Travelers and Roma**, which seemed to be worsening in light of the rising tension in the country. There was confusion in how France defines the two groups. The Committee asked how Travelers and Roma called themselves trying to clarify the ethnic background of the peoples. France made the distinction of these peoples, as Travelers being mainly French, while Roma were people typically from Romania, Bulgaria or Hungary. A member was unsettled by this distinction and questioned its accuracy.

Throughout the dialogue the picture that was painted of **Travelers** revealed that they were a kind of second-class citizens, who were subject to different laws than other French citizens. The Committee pointed out that **freedom of movement** is guaranteed in France, however Travelers were required to carry around a freedom of movement card so that they could move around freely in the country. It further stated that having this card, which has to be stamped every three months, was embarrassing and believed people who were not criminals should not have to "clock in." Members continued by saying it would be easier to give everyone identity cards and thus avoid potential humiliation. Some Committee members wanted more information on the **voting rights of Travelers**, drawing attention to the fact that French citizens could vote in a municipality after having lived there for only six months, while Travelers had to live somewhere for three years. The Committee was also interested in Travelers access to education, health, and housing, and questioned if France had considered ways to mix a nomadic lifestyle with a settled lifestyle.

The Committee was equally concerned with the situation of the **Roma**. A member said, "isolated cases of crime led to reactions at the political level, which stigmatized entire communities and generalized prejudices." In terms of France's **criminal code and law**, another member was curious how France could justify extraditing the Roma from a country in the European Union when they were EU citizens and asked what rights the Roma, as EU citizens, have in France. The Committee commented that France's position on the Roma seemed to have hardened and pointed out that sending them back to Romania wouldn't solve any of France's problems.

France gave a lengthy response to the Committee's inquiries into the situation of the Roma and Travelers, however, much like the opening presentation, the answers were not substantive. The delegation gave legal and technical responses, telling of laws that were being considered or in

place, and commissions and studies set up to assess the situation, but did not address the Committee's real concerns. The Committee continued to inquire about the problems of these two peoples, but the delegation either repeated answers it had already given or avoided answering all together.

Details of **ethnic composition** also posed a large problem in the dialogue. CERD members were a bit baffled that France did not have statistical data on the ethnic composition of its citizens. The delegation justified this by citing Article 1 of its Constitution, which says that all people are equal before the law without distinction, therefore making an assessment of the ethnic make up of the population unnecessary. To this the Committee said they had heard a similar argument from Iran. France did say that there were measures in place to determine if people are French by birth, nationalized or foreign, but was unwavering in the position that such data was unnecessary because under the Constitution all people were equal. CERD members pointed out that without knowing the ethnic composition of the population it was difficult to measure discrimination and take measures to improve the situation of vulnerable groups.

The status of France's **indigenous peoples** in overseas territorial collectivities was also sought. Members were particularly interested in getting more information on the situation in New Caledonia and Mayotte, noting that more information on overseas territories was included in the report, but nevertheless more focus needed to be given to these territories. CERD members pointed out France's unwillingness to recognize **minority and indigenous rights** and noted a discrepancy between not recognizing indigenous and minority rights and the States handling of land titles in New Caledonia, based on past racial discrimination against people. The Committee inquired if this might allow for future legislation to deal with indigenous rights. It cited another contradiction in France's position on indigenous rights in that the country had voted in favor of the UN Declaration on Indigenous Rights, but refused to accept the term. Other members asked more general questions, inquiring about the status of people in Mayotte, the level of enjoyment of human rights, and access to education and health overseas as opposed to the mainland. France responded in much the same way it had previously by saying it did not need to recognize minority and indigenous rights because everyone was equal under the Constitution. France had voted in favor of the UN Declaration because there was a major consensus and France had no desire to oppose it. This was taken a step further by saying that the politics in France were not set in stone and they had shown they were able to change and adapt. This came across as a bit ironic considering the nature of the dialogue and France's unwavering position on the issues addressed.

Other issues that were discussed in this session included the National Plan to Combat Racism and institutional reform, affirmative action measures, France's security policy of revoking citizenship of foreign offenders, functionality of the Inter-Ministry to combat racism, clarification of being "French of foreign origin," and racism in sports.

Concluding Observations

The Concluding Observations are currently only available in French.²⁴

²⁴ Can be found at: <http://www2.ohchr.org/english/bodies/cerd/cerds77.htm>

IRAN

CERD considered the combined eighteenth and nineteenth periodic reports of Iran on 4 and 5 August. Mr. Gholan Hossein Dehghani, the General for International Political Affairs at the Ministry of Foreign Affairs in Iran, delivered the presentation of the State report. In his presentation he highlighted a number of provisions that had been adopted since its last report to combat discrimination and preserve the dignity of its citizens. CERD reassured Iran repeatedly that they were not opponents but were there to work together. Iran displayed a willingness to work with the Committee and gave lengthy responses to members inquiries, however the responses were so lengthy that it raised the question of whether this was strategically done for the sake of using time, to hinder the Committee in its duties. The dialogue could have been more fruitful, if CERD members would have had more time to raise issues and ask questions.

Central Themes

The Country Rapporteur commended Iran on submitting a detailed and informative report, but pointed out that in some areas there was insufficient information. The Rapporteur noted that a particular area of obscurity was the use of the terms **“ethnic group,” “tribe,” and “nomadic communities;”** Members pointed out that the report referred to “tribal peoples” and wanted to know if they were deemed indigenous in line with ILO terminology, also asking specifically who they considered to be indigenous.

Regardless of the terminology used, the discussion was focused on the **nomadic peoples of Iran**. The State report highlighted actions taken to “improve the living standards of nomadic communities,” which primarily included allocating funds to settle nomadic groups and make them **sedentary**.²⁵ Members wanted to know what sort of consideration had been given to the nomadic populations way of life and if nomadic groups had been consulted. Further they wanted to know if the policy that was in place had been accepted by the people affected by it. The Committee also requested more information on the status of the economic and social rights of nomadic people, particularly with regards to education and health. It wanted to know about **educating nomadic people** with regard to their custom of moving about and asked if teachers traveled with the caravans.

The Iranian delegation did not differentiate the terms touched on by the Committee, but only addressed the definition of the word “tribe,” which had not been defined by the Government. The delegation did address the situation of the nomadic population, however its answer was a bit ambiguous. Iran said that these people were protected by the government, had access to education and healthcare, and could even vote, yet did not provide the degree of detail CERD members had requested.

The CERD paid particular attention to the status of women in Iran, focusing on **minority women’s vulnerability to double discrimination, and the status of women’s equality**. A member criticized the composition of the delegation and used its lack of female representation as evidence that equality had not been achieved in the country. The Committee further inquired about the equality of women and asked for Iran’s view on the concern of the international community over its realization. Members inquired about the risk minority women faced of double discrimination and how this applied to women in prisons; overall they wanted to know what measures were being taken against racial discrimination against women. Along these same lines,

²⁵ CERD/C/IRN/20 para. 16.

the members raised the urgent case of a young woman who had recently been condemned to **death by stoning** for committing adultery. A member pointed out the blatant discrimination in treating men and women differently, while the other reminded the Iranian delegation that condemning someone to death for adultery was a violation of international law.

In the response by the delegation, Iran claimed that women were equal and gave specific examples of the jobs they possessed as evidence of this claim. Iran continued by addressing the situation of the young woman condemned for adultery by blaming the media for sensationalizing the situation and constantly portraying Iran in a negative light. The delegation said that the women had not only been convicted of adultery, but had also admitted to participating in the murder of her husband, but that no sentence had been delivered because the case was still under consideration. Also due to the fact that the case was still under consideration, Iran claimed it was unable to make further comments on the situation. Iran's claim was met by clear disbelief, with a CERD member assuring the delegation that the Committee did not rely solely on the media for its information, but critically looked at information provided to it by numerous sources.

Other issues addressed were the harmonization of ICERD and domestic law, the treatment of foreign nationals under criminal law, citizenship rights, education in native language, and measures in place to address complaints of discrimination.

Concluding Observations

In its concluding observations on Iran, there was no reference to the nomad population or indigenous people, however there was a general request that *“the State party include information in its next report on the impact of programmes aimed at giving effect to the economic, social and cultural rights of the population, as well as statistical data on progress in this regard.”*²⁶ Regarding women, CERD recommended that the *“State party draw attention to its general recommendation No. 25 (2000) on Gender-related dimensions of racial discrimination and recommends that the State party continue its efforts to empower women and promote their rights, paying particular attention to women belonging to minorities.”*²⁷

²⁶ UN doc CERD/C/IRN/CO/18-19 para. 15.

²⁷ Ibid. para. 9.

Morocco

On 16 and 17 August CERD considered the combined seventeenth and eighteenth periodic reports of Morocco. Omar Hilale, the Permanent Representative of Morocco to the United Nations Office at Geneva, presented the report of Morocco where he gave the impression that Morocco was a place where people were not distinguished based on their ethnic backgrounds, but were simply “Moroccan.” Mr. Hilale said that Morocco was a “melting pot and crossroads between Africa, Europe and the Arab world where different communities, cultures and religions coexisted and had forged a national culture over the centuries.” The Moroccan delegation used its “one people, one country,” ideology to skirt questions throughout the entire dialogue with the Committee, making it more or less futile.

Central Themes

The Committee had extreme difficulty in assessing the situation in Morocco due to a **lack of disaggregated statistical information**. The majority of the dialogue was focused on CERD members airing their frustrations at the lack of information on the demographic composition of the population and requesting statistics on specific issues. The Country Rapporteur stated that given the fact that Morocco was made up of so many cultures and races the Committee would have expected to see more statistical information. The Rapporteur asked if there were socio-economic indicators detailing the situation of various minorities. The Committee asked about the situation for non-Arabic speaking people, where they lived and what their economic, social and cultural situation was. A member also mentioned that there were reports of **assistance for disadvantaged regions**, but did not understand who lived in these regions because there was no statistical data. Another stressed the importance of having statistical data when asking about **the life expectancy and child mortality rates** of different ethnic groups.

The probes into the demographic composition of the country were met by the delegations “one people, one country” response, claiming that a “Moroccan was a Moroccan” and therefore they would not disaggregate data. Morocco instead insisted that the country did not have ethnicities but diversity based on the origin of the population. Mr. Hilale used an analogy comparing the people of Morocco to a piano; the people of Morocco were black and white, like the keys on a piano, it did not matter what their ethnicity was, but they all worked together. The Committee pointed out that the weakness in Morocco’s argument was two-fold. Firstly it pointed out that by using people’s country of origin, it assumed that all people coming from the same country were from the same group. Therefore there could be no indication into the composition within the country, and no way to measure progress or harmony. In direct reference to the piano analogy, the Country Rapporteur stated, “without monitoring each key, how do you know when one is out of tune.”

A member reminded the delegation that in the CERD doctrine equal treatment in unequal circumstances amounts to discrimination. Another member pointed out that discrimination can arise from history and not only policies, so statistical data was needed regardless of Moroccan policies. Members repeatedly attempted to get statistics from Morocco stressing their importance in evaluating the situation in the country, but all of the Committees efforts were to no avail.

The Committee also repeatedly touched on the great influx of immigrants and refugees into Morocco due to the country’s location, but the people of greatest weight in the dialogue were an **indigenous population** of Northern Africa, the **Amazigh** people. In the State report and presentation there were numerous measures included that had been taken to integrate the

Amazighs, while protecting and promoting their culture and language. Members asked for updates on the measures, noting that the report had focused on long-term prospects, but had failed to detail the current situation. The Committee was particularly concerned that the Amazigh language was still not available in adult education and added that it was also not used in primary schools, high schools, state bodies, or hospitals. Regarding the language of the Amazigh, a member referred to information that they preferred a Roman or Latin kind of language; but that currently an alphabet was being made for them that was based on neither. Further, the Committee was concerned about level of consultation with the Amazigh people when measures were being taken that would affect them, and how they were consulted.

An issue of much contention concerning the Amazigh people was the refusal of the registry in Morocco to register children's names. The Committee cited a specific case in 2006 where a child was given the name "Cifa," but the registry refused to accept it. A member said that according to the state report they were liberal in recognizing names, but that NGOs had given them different information. Members further asked if there was a list for acceptable names for Amazigh people, and for Arab people, hinting at the discrimination that could be therein, in the case one would exist for one group and not the other. They also questioned the logic behind the necessity of names having to be approved by the authority and wanted to hear the delegations stance on this issue.

In response to the Amazigh situation, Morocco said again that the country did not have ethnicities, they were a single people and that the question of the Amazigh should not be based on the ethnicity of an indigenous population. Mr. Hilale informed the Committee that the Amazigh spoke three languages and not just one and that they should "bear in mind" the complexity of the situation. The question of consultations with the Amazigh on measures that would affect them was not directly answered; instead this was blended into the answer of how the Amazigh alphabet was adopted, where UNESCO, experts and "other strands" of civil society were consulted. On the matter of names, the delegation said that people were free to choose the first name of their children, and that there had been earlier issues, but since the Ministry of the Interior had published a circular explaining the law that regulated the choice of first names, there had only been 95 refusals out of millions of registered names. The main point in choosing a name was that they had to be "Moroccan" in character so as not to "undermine public order." There was confusion surrounding this answer and a member pressed the issue in an attempt to understand the meaning of "Moroccan character." The member wanted to know what would happen if someone wanted to name their child a popular name from another country, and felt that unclear criteria could lead to unnecessary conflict. The delegation answered with its "one country, one people" ideology to define the Moroccan character.

Other issues discussed were attaining citizenship, the treatment of immigrants and xenophobia, and equal access to justice especially by minorities.

Concluding Observations

Currently the concluding observations have only been released in French.²⁸

²⁸ Can be found at <http://www2.ohchr.org/english/bodies/cerd/cerds77.htm>

Slovenia

CERD considered the combined sixth and seventh periodic reports of the Republic of Slovenia on 12 and 13 August 2010. Ms Smiljana Knez, Minister Plenipotentiary and Head of Human Rights Department at the Ministry of Foreign Affairs, presented the state report on behalf of Slovenia. She was accompanied by a numerous delegation of representatives from various ministries, governmental institutes and offices as well as the permanent mission of the Republic of Slovenia to UNOG. In her oral presentation of the report, she pointed out the importance Slovenia places on human rights education and training and explained state measures in this field. She was also eager to present the achievements made in protecting the most vulnerable groups in the country, notably the Roma community and the so-called “erased people”. Throughout the dialogue many Committee members stressed the exemplary nature of Slovenia as being the first democracy established in the Balkans and the wealthiest country in the region. They inferred from this that Slovenia should take a leading role in the field of human rights, particularly in combating racism and discrimination.

Central Themes

The situation of **ethnic minorities** was one of the main issues attracting the Committee’s attention, with several members expressing the incomprehensibility of the fact that only Hungarian, Italian and Roma minorities were recognized as **national minorities** under the Slovenian constitution. This seemed particularly odd because these groups were smaller in number than many other ethnic minorities in Slovenia. The Committee clarified that affirmative measures were not supposed to lead to the negative treatment of other groups. Members asked why the Italian and Hungarian minorities were entitled to a **double right to vote** and how this double voting right worked in practice. Due to Slovenia’s narrow recognition of minorities, they also asked whether the **languages of minorities** who were not recognized was taught in schools.

Ms. Erika Rustja of the Ministry for Education and Sport informed the Committee that the State had concluded bilateral agreements with the countries of origin of various minorities in order to promote education in their respective languages and that they were available as optional subjects in school. The delegation claimed that the Hungarian and Italian minorities enjoyed a special status due to historical reasons. The Committee informed the delegation that CERD did not hold history as a justification for discrimination.

An ethnic minority of particular interest was the **Roma**, with the Committee placing heavy emphasis on their lack of proper **education**. Members asked: whether there were a dictionary or grammar rules for the **Roma language**; if it were possible to produce textbooks in their language; and whether the Roma language was an optional subject at school. The Committee was also interested to hear about the model schools, designed to promote education of Roma pupils, especially because such **model schools** had led to segregation rather than integration in other countries. They further wanted to know if the Roma community was being consulted on ways to improve their situation and wanted a general synopsis of their overall living conditions and characteristic professions.

The Slovenian delegation answered that there were various measures (partially funded by the EU) to promote the education of Roma, these included scholarship programs and model schools. Ms. Knez cited an evaluation report that showed in the model schools Roma results were better and that children attended school more regularly when enrolled in them. She continued by informing the Committee that there were also programs for the standardization of the Roma language, but

the position of the Roma community on the produced grammar rules and dictionary was inconsistent. Due to this lack of clarity there had not yet been any programs on teaching the language. Mr. Baluh, Director of the Government Office for National Minorities, described the Roma community as the most vulnerable group because it was most exposed to discrimination. The state identified their living conditions and their access to employment, education and health care as major problems and the priority areas for improvement. It confirmed that the Roma community was consulted and that a working group had been established, to work closely with the Roma community in order to prepare a new action plan for 2010 to 2015.

The Committee expressed its deep concern about the situation of the “**erased people**,” namely persons from the former republic of Yugoslavia whose status had not yet been determined. The country Rapporteur referred to NGO reports that stated these erased people had **limited access to housing and employment**. Other members asked: whether they were also **stateless** and if so, what was done to overcome their statelessness; and whether they were able to **reclaim their rights**, especially concerning housing, lost because of the erasure.

On behalf of the state delegation Mr. Janc explained that after Slovenia’s independence, citizens of the former Yugoslavia were given the opportunity to obtain Slovenian citizenship under very favorable conditions. Those who did not apply for citizenship then became aliens and were erased from the permanent citizens list. However, they still kept their original citizenship of one of the other republics so that they did not become stateless. He further clarified that these erased persons were now able to obtain permanent residence permits with retroactive application to the date of their erasure, and could also now claim reparations for violations of their rights before any Slovenian court.

Further questions related to **hate speech and holocaust denial**, and problems of the interpretation of **data on ethnic composition**.

Concluding Observations

In its concluding observations, the Committee recommended that Slovenia “*ensure that special measures in favour of Roma, in the fields of education, housing, health and employment, are designed and implemented on the basis of need, and that their implementation is monitored and their effectiveness is regularly assessed.*”²⁹ Concerning Roma children the State party was urged to “*take all necessary measures to eradicate completely the practice of segregating Roma children in the school system and ensure that they enjoy equal opportunities in access to quality education at all levels.*”³⁰ With a view to minorities not afforded a special status under the constitution, the Committee recommended the Republic of Slovenia to protect them “*in the exercise of their political rights without discrimination, and to take measures to ensure that all groups of minorities are represented in Parliament and in regional elected bodies.*”³¹ It further expressed its remaining concern “*at the situation of the non-Slovenes from former Yugoslavia ... whose legal status remains unresolved*” and who are “*therefore facing difficulties in terms of access to social and economic rights, such as access to healthcare services, social security, education and employment.*”³²

²⁹ CERD/C/SVN/CO/6-7, para. 8.

³⁰ Id., para. 9.

³¹ Id., para. 12.

³² Id., para. 13.

Romania

On 9 and 10 August CERD considered the combined sixteenth through nineteenth periodic reports of Romania. Mr. Csaba Ferenc Asztalos, President of the National Council for Combating Discrimination of Romania, delivered the oral presentation of the state report, where he focused heavily on elaborating on the complex **legal framework** created on non-discrimination and equality, and explaining the various bodies established to ensure the rights of people.³³ Other members of the delegation assisted on providing more information in the areas of the judiciary, education, health, housing and other sectors.

Central Themes

The most pressing issue of the dialogue was the continued **marginalization of the Roma**. The Country Rapporteur was very thorough in the opening statement to the delegation and made the first inquiry into the situation of the Roma. The Rapporteur stated that the report was very frank in addressing the National Strategy for the Roma, but also requested information on the results of this Strategy. The Rapporteur asked for further information on the use of the **Roma language** in public administration, courts, and in the media; the impact of the National Strategy on public health; the results of measures taken to combat segregation in schools; access by Roma to public places; and what measures were being taken to combat racial profiling and abuse by police and public officials.

The Romanian delegation did not address all of the Rapporteur's concerns, but affirmed that the Roma situation was one of the countries most "important challenges," with most documented discrimination happening against members of this community. The delegation said that the National Agency for Roma had been established to initiate, carry out and promote sectoral programmes and actions to improve the condition of the Roma community. The programmes and actions focused largely on increasing levels of education and employment opportunities for the Roma.³⁴ Regarding access to public places, the delegation said that there had been cases where Roma were denied entry into clubs and public pools, but that these instances had already been sanctioned. The delegation also admitted that there were not always translators available who spoke the Roma language in places like civil courts, but that the Roma were always allowed to use their other tongue, as a solution the delegation said they needed to train more translators in more languages.

Members expressed their dismay at the Governments inaction to stop **widespread use of hate speech** in all levels of society, exemplified the gravity of the situation by sharing a recent incident where a member of the foreign office spoke of the "biological propensity of the Roma towards criminality." and emphasized that Romanians were ashamed because they felt that the Roma were giving them a bad name in other European countries, going so far as to request that they change their name to prevent confusion between the peoples. A member made a comparison of the use of hate speech in starting the Rwandan genocide with the current situation in Romania, where there was much talk about how to "get rid of the Roma for good."

³³ The organs mentioned included: the National Council for Combating Discrimination, the National Agency for the Roma, the People's Advocate, the Committee on National Minorities, the National Audiovisual Council of Romania, the office of the ombudsman, and the Department for Interethnic Relations.

³⁴ The delegation spoke at great length about the situation of the Roma to ensure the Committee that everything possible was being done improve the situation, however this picture contradicted the information presented by NGOs in the lunchtime briefing before the review

The key issue in the Roma debate was revealed to be the poor public perception of the people. Committee members asked for an explanation of the reasons behind the negative perception of Roma and about measures taken to change this perception. They illustrated the poor public perception of the Roma by telling incidences where employment ads were placed on the Internet explicitly stating Roma's could not apply and pointed out that Romania had not committed to the **additional protocol on cyber hate**. A member stated that this situation was a clear sign that the socialization of racism as being unacceptable had not "sunk in" for the people in Romania.

The Romanian delegation informed the Committee that the optional protocol on cyber hate had been ratified. Regarding the discriminatory employment ads, they were only found on the Internet and sanctions had been applied to those responsible for them. The delegation acknowledged the problem of wide spread hate speech, but did not seem to have a solution. They did seem to think that affirmative action measures could help combat the negative perception of Roma, but stated that one had to go beyond political correctness to explain its meaning because misunderstandings here could lead to perpetuating negative perceptions of the Roma community.

Discrimination based on decent was widely found throughout the **education system** with reports of **segregation** and limited access to schools in languages other than Romanian. Members noted the problem of de facto discrimination in schools and mass reports of segregation, pointing out that the segregation in schools was a two-pronged situation of people not wanting their children mixing with the Roma, and also Roma parents not wanting their kids to integrate. They asked if textbooks were being screened to ensure that racial prejudices were not being included and stressed the importance of education in promoting tolerance.

A member asked about the situation of the **Hungarian minority**, specifically in Szekerland, whose language had been given inferior status to Romanian. He was concerned about insufficient economic development in the region, and discrimination in funding the Hungarian University. Another member also expressed concern over the situation and asked for 'additional comments' regarding complaints from the Hungarian academic society on the lack of autonomy and self-management existing at the University level and the level of access to attend University in Hungarian.³⁵ The delegation assured the Committee that in cases of segregation all of the reported cases had been punished and that the Ministry of Education had prepared all the necessary regulations. Further it was said that all minority groups, of which Romania recognizes 20, were said to have their right to equal access protected under the constitution and by the Law of Education. The delegation said that all minorities had access to education in their mother tongue and that laws were in place to combat discrimination in access to higher education.³⁶

Other issues of concern included the impact of the economic crisis on the most vulnerable groups, how the autonomy of the National Council for Combating Discrimination and other anti-discrimination bodies was guaranteed, the status and treatment of stateless persons as opposed to foreigners, and the effectiveness of institutions and legislation established to combat racial discrimination.

Concluding Observations

The concluding observations are currently only available in French.³⁷

³⁵ NGOs reported that there is only one Hungarian University and one other University with a Hungarian sector but with limited faculties.

³⁶ This was also contradictory to the information presented by NGOs

³⁷ <http://www2.ohchr.org/english/bodies/cerd/cerds77.htm>

Uzbekistan

CERD considered the combined 6th and 7th periodic reports of Uzbekistan on 5 and 6 August 2010. The delegation was led by Dr. Akmal Saidov, Director of the Human Rights Centre, and supported by representatives from different ministries, the Supreme Court and the Republican International Cultural Centre. In the delegation's oral report, Mr. Saidov highlighted Uzbekistan's firm belief in promoting and protecting human rights. Although he affirmed that the State faced serious challenges due to the consequences of the financial crisis on vulnerable groups, he assured the Committee that measures were being adopted to help the affected groups.

Central Themes

The Country Rapporteur began by requesting information on financial support provided to **ethnic minorities** by the State, and also wanted to know whether minorities were represented in youth organizations. The Committee was also interested in the Republic of Karakalpakstan and whether it constituted an autonomous region. It urged the delegation to provide data on the State's ethnic composition as opposed to the list of regional populations it had provided. Members further asked about the percentage of people from ethnic minorities employed in the public sector. A member asserted that the state of social harmony in Uzbekistan was said to be the result of charity from the side of the Uzbek people, vis-à-vis ethnic minorities, and further questioned whether this meant that Uzbek people did not regard minorities as being equal, stating that without equality before the law there would always be incidents of discrimination. Another member commented on the fact that the report alleged ethnic conflicts to be of a local nature and stressed that there had to be preventive measures put in place to avoid any spreading of discrimination.

The delegation informed the Committee that there was a whole variety of organizations for ethnic minorities with their range of activities being very broad. The republic of Karakalpakstan was said to be a sovereign republic with its own constitution, citizenship and parliament, which even enjoyed the right to secede from Uzbekistan under the Uzbek constitution. The delegation declared that the data collection system had been reviewed and improved in order to provide more satisfactory data to the Committee in the future. It stated that although Uzbekistan had a long tradition of ethnic harmony a legal framework had to be in place for it to prevail.

Due to the large **Roma** population living in Uzbekistan, with an estimated 500.000 people,³⁸ members asked how the Roma were called in Uzbekistan. CERD members wanted to know whether that name had been deliberately chosen by them or had come from other parties and carried any negative connotations. They also inquired about Roma children's low results in secondary level education, and wanted to know the reasons behind their attendance to secondary school not seeming to be mandatory. A member asked why Roma lacked self-identification and wished to be informed about the survey on them undertaken by the State. Another member commented on the extremely positive results of the survey, which was not congruent with the reported lack of education of the Roma population, and asked if any Roma had been consulted in its drafting phase.

In response to the questions addressing the Roma, the delegation informed the Committee that the Uzbek expression for Roma was Lyuli and was not pejorative. It was unclear to the delegation why the majority of Roma did not want to be identified, and they assumed that many declared

³⁸ According to the delegation of Uzbekistan.

themselves as Uzbek or Tajik. In general, the situation was said to be totally different than in Europe as the Roma were settled and well integrated into society.

Several Committee members criticized the lack of due representation of **women** in the public sector and in parliament. They expressed concern on health care issues, especially regarding the ability of women, without the necessary language abilities, to give consent to treatments, e.g. sterilization, and also asked for more detailed information on the number of women from minority groups with access to education. The delegation stated that the percentage of women in parliament was currently 15 %, but that this number was constantly growing due to a quota established by the government.

Other topics addressed in the interactive dialogue by Committee members included the **lack of due implementation of the convention**, the situation of **refugees**, and the problems faced by **applicants for citizenship** in Uzbekistan, many of them being stateless. While the Committee was concerned about the situation of stateless persons and children, it was impressed by the state's initiative to accept and integrate over 100.000 refugees. However, it regarded it as important to provide the necessary international legal framework, like ratifying the Refugee Convention. Concerning the implementation of the Convention, Committee members criticized the lack of a definition for racial discrimination, the unclear relationship between international and domestic law, and the still questionable independence of some institutions.

Concluding observations

In its concluding observations on Uzbekistan, the committee urged the state party to provide more information on the *“participation of members of national and ethnic minorities in State institutions and other sectors and on the number of people, including women of non-Uzbek ethnic origin occupying positions of responsibility within the State party’s judiciary, administrative and political institutions and private sectors.”*³⁹ The Committee further recommended *“that the State party include detailed information in its next report on the situation of Roma, in particular on measures to address the education levels of Roma, which appear to be considerably lower than the nation’s average.”*⁴⁰

³⁹ UN doc. CERD/C/UZB/CO/6-7 Para.10.

⁴⁰ Ibid, Para.16.